

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

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# Raymund Eugene Butcher Jr.

Plaintiff,

V.

L.A. County, et al.,

## Defendants.

Case No. 2:24-cv-00534-CDS-BNW

## **SCREENING ORDER AND REPORT AND RECOMMENDATION**

Pro se plaintiff Raymund Butcher initiated this lawsuit on March 19, 2024, by filing an application to proceed *in forma pauperis* and a complaint. ECF Nos. 1 and 1-1. Plaintiff submitted the affidavit required by 28 U.S.C. § 1915(a). As a result, his application is granted. The court now screens his complaint as required by 28 U.S.C. § 1915(e).

## I. ANALYSIS

## A. Screening standard

Upon granting a request to proceed *in forma pauperis*, a court must screen the complaint under 28 U.S.C. § 1915(e)(2). In screening the complaint, a court must identify cognizable claims and dismiss claims that are frivolous, malicious, fail to state a claim on which relief may be granted or seek monetary relief from a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2). Dismissal for failure to state a claim under § 1915(e)(2) incorporates the standard for failure to state a claim under Federal Rule of Civil Procedure 12(b)(6). *Watison v. Carter*, 668 F.3d 1108, 1112 (9th Cir. 2012). To survive § 1915 review, a complaint must “contain sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face.” *See Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). The court liberally construes pro se complaints and may only dismiss them “if it appears beyond doubt that the plaintiff can prove no set of facts in support of

1 his claim which would entitle him to relief.” *Nordstrom v. Ryan*, 762 F.3d 903, 908 (9th Cir.  
 2 2014) (quoting *Iqbal*, 556 U.S. at 678).

3 In considering whether the complaint is sufficient to state a claim, all allegations of  
 4 material fact are taken as true and construed in the light most favorable to the plaintiff. *Wyler*  
 5 *Summit P’ship v. Turner Broad. Sys. Inc.*, 135 F.3d 658, 661 (9th Cir. 1998) (citation omitted).  
 6 Although the standard under Rule 12(b)(6) does not require detailed factual allegations, a plaintiff  
 7 must provide more than mere labels and conclusions. *Bell Atlantic Corp. v. Twombly*, 550 U.S.  
 8 544, 555 (2007). A formulaic recitation of the elements of a cause of action is insufficient. *Id.*  
 9 Unless it is clear the complaint’s deficiencies could not be cured through amendment, a pro se  
 10 plaintiff should be given leave to amend the complaint with notice regarding the complaint’s  
 11 deficiencies. *Cato v. United States*, 70 F.3d 1103, 1106 (9th Cir. 1995).

12 **B. Screening the complaint**

13 Plaintiff explains he is suing the county of Los Angeles related to its failure to respond to  
 14 the issuance of certain warrants in an acceptable manner. He names the following defendants: Los  
 15 Angeles County, the Public Defender’s Office, and the Prosecutor’s Office. All defendants reside  
 16 in in Los Angeles.

17 It is not clear what Plaintiff’s claim is. In addition, it appears Nevada may not be the  
 18 proper venue for this claim as none of the events giving rise to this action occurred in this district  
 19 and none of the defendants reside here. *See* 28 U.S.C. § 1391. As a result, the Court will dismiss  
 20 the complaint with leave to amend.

21 To help Plaintiff file an amended complaint, the Court advises Plaintiff of the following  
 22 requirements under the Federal Rules of Civil Procedure. Plaintiff is also advised that failure to  
 23 comply with these rules when drafting and filing his amended complaint will result in a  
 24 recommendation that this action be dismissed.

25 First, Plaintiff should familiarize himself with 28 U.S.C. § 1391 and determine **whether**  
 26 **he should be filing this action in the United States District Court for Central District of**  
 27 **California, as opposed to this district.**

1       Second, to the extent Plaintiff chooses to amend in this district, he is advised that he must  
2 specify which claims he is alleging against which defendants. Although the Federal Rules of Civil  
3 Procedure adopt a flexible pleading policy, Plaintiff still must give defendants fair notice of each  
4 of the claims he is alleging against each defendant. Specifically, he must allege facts showing  
5 how each named defendant is involved and the approximate dates of their involvement. Put  
6 another way, Plaintiff should tell the Court, in plain language, what each defendant did to him and  
7 when. “While legal conclusions can provide the framework of a complaint, they must be  
8 supported with factual allegations.” *Ashcroft v. Iqbal*, 556 U.S. 662, 679 (2009).

9       Third, Plaintiff’s amended complaint must be short and plain. The simpler and more  
10 concise Plaintiff’s complaint, the easier it is for the Court to understand and screen it. The Federal  
11 Rules also require this. Under Federal Rule of Civil Procedure 8, Plaintiff’s amended complaint  
12 must contain “a short and plain statement of the claim showing that [Plaintiff] is entitled to  
13 relief.” Fed. R. Civ. P. 8(a)(2). “Each allegation must be simple, concise, and direct.” Fed. R.  
14 Civ. P. 8(d)(1). “A party must state its claims or defenses in numbered paragraphs, each limited  
15 as far as practicable to a single set of circumstances.” Fed. R. Civ. P. 10(b). “[E]ach claim  
16 founded on a separate transaction or occurrence . . . must be stated in a separate count.” *Id.*

17       Fourth, Plaintiff may not raise multiple unrelated claims in a single lawsuit. The Federal  
18 Rules of Civil Procedure do not permit a litigant to raise unrelated claims involving different  
19 defendants in a single action. A basic lawsuit is a single claim against a single defendant. Federal  
20 Rule of Civil Procedure 18(a) allows a plaintiff to add multiple claims to the lawsuit when those  
21 claims are against the same defendant. Federal Rule of Civil Procedure 20(a) allows a plaintiff to  
22 add multiple parties to a lawsuit where the right to relief arises out of the “same transaction,  
23 occurrence, or series of transactions or occurrences.” Fed. R. Civ. P. 20(a)(2)(A). “However,  
24 unrelated claims that involve different defendants must be brought in separate lawsuits.” *Bryant v.*  
25 *Romero*, No. 1:12-CV-02074-DLB PC, 2013 WL 5923108, at \*2 (E.D. Cal. Nov. 1, 2013) (citing  
26 *George v. Smith*, 507 F.3d 605, 607 (7th Cir. 2007)).

27       Lastly, Plaintiff’s amended complaint must be complete in and of itself. If Plaintiff  
28 chooses to file an amended complaint, he is advised that an amended complaint supersedes the

1 original complaint and, thus, the amended complaint must be complete by itself. *See Hal Roach*  
2 *Studios, Inc. v. Richard Feiner & Co., Inc.*, 896 F.2d 1542, 1546 (9th Cir. 1989) (holding that  
3 “[t]he fact that a party was named in the original complaint is irrelevant; an amended pleading  
4 supersedes the original”); *see also Lacey v. Maricopa Cnty.*, 693 F.3d 896, 928 (9th Cir. 2012)  
5 (holding that for claims dismissed with prejudice, a plaintiff is not required to reallege such  
6 claims in a subsequent amended complaint to preserve them for appeal). Plaintiff’s amended  
7 complaint must contain all claims, defendants, and factual allegations that Plaintiff wishes to  
8 pursue in this lawsuit. Moreover, Plaintiff must file his amended complaint on this Court’s  
9 approved form, which the Clerk of Court will send Plaintiff.

10 **II. CONCLUSION**

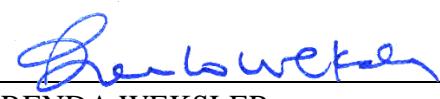
11 **IT IS THEREFORE ORDERED** that plaintiff’s application for leave to proceed *in*  
12 *forma pauperis* (ECF No. 1) is **GRANTED**.

13 **IT IS FURTHER ORDERED** that the clerk of court must detach and separately file  
14 Plaintiff’s complaint (ECF No. 1-1).

15 **IT IS FURTHER ORDERED** that Plaintiff’s complaint is dismissed without prejudice  
16 and with leave to amend. Should Plaintiff choose to file an amended complaint in this district, it  
17 will be due no later than **June 21, 2024**. Failure to file an amended complaint by that deadline  
18 may result in the recommendation that the case be dismissed.

19 **IT IS FURTHER ORDERED** that the Clerk of Court shall include an approved form for  
20 Plaintiff to file his amended complaint.

21 DATED: May 20, 2024

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BRENDA WEKSLER  
UNITED STATES MAGISTRATE JUDGE

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